



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 308

Chairperson: Patrick J. Bourne
Committee: Judiciary
Date of Hearing: January 26, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 308 serves a dual purpose: to strengthen two shortcomings in Nebraska's Recovery Statutes and protect honest consumers.

LB 308 consists of two sections:

1. Section one, which is general and applies to a civil action for the theft of personal property.
 - a. LB 308 outlines the following damages for shoplifting personal property:
 - i. Fifty dollars or one-half the full value liability if the personal property is recovered without damage.
 - ii. One hundred fifty percent of the full value, cost of repair or cost of replacement if the personal property is damaged or not recovered.
 - iii. Liability includes other property damage or loss sustained as a direct result of the theft.
 - iv. Costs of maintaining a civil action
 - v. Reasonable attorneys fees
2. Section two, which is merchant specific and addresses civil liability for the theft of merchandise.
 - a. LB 308 defines employee theft and outlines the following damages for shoplifting merchandise:
 - i. One-half the full retail value liability if the merchandise is recovered and is restockable and resalable.
 - ii. One hundred fifty percent of the full retail value, cost of repair or cost of replacement if the merchandise is not recovered, or is not restockable and resalable.
 - iii. Liability includes other property damage or loss sustained as a direct result of the theft.
 - iv. Restitution of fifty dollars, one hundred percent of the full retail value, cost of repair, or cost of replacement of the merchandise, whichever is applicable and greater.

Principal Introducer:

Senator Pam Redfield